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DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-206920

DATE: April 7, 1982

MATTER OF: Patton Electric Co., Inc.

DIGEST:

Before a firm can be awarded a contract, the contracting officer must find that it is a responsible business concern, and GAO will not review an affirmative determination of responsibility except in limited circumstances.

Patton Electric Co., Inc. protests the award of a contract to Frigid, Inc. under Invitation for Bids (IFB) No. 9FCC-OKH-A-A460/81 issued by the General Services Administration (GSA). Patton questions Frigid's ability to successfully perform the contract because of an alleged lack of financial assets and production capability. Patton also contends that Frigid submitted fraudulent information to GSA officials in order to be awarded the contract.

Before a contract can be awarded, GSA must find that the proposed awardee is responsible. Federal Procurement Regulations § 1-1.1204-1 (1964 ed.). Our Office does not review affirmative determinations of responsibility without a showing that the contracting officials acted fraudulently or in bad faith, or that the solicitation contained definitive responsibility criteria which have not been applied. See Guardian Security Agency, Inc., B-205852, December 28, 1981, 81-2 CPD 506.

The protester presents no evidence to show that GSA officials engaged in fraud, or that the solicitation contains definitive responsibility criteria which have not been applied.

Therefore, since neither exception applies, the protest is dismissed.

F. H. Barclay, Jr.

For Harry R. Van Cleave
Acting General Counsel